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MEMO ENDORSED

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VIA ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl St.
New York, New York 10007

June 14, 2022

Re: *In Re: Customs and Tax Administration of the Kingdom of Denmark
(Skatteforvaltningen) Tax Refund Scheme Litigation, 18-md-02865 (LAK)*

Dear Judge Kaplan:

Plaintiff Skatteforvaltningen (“SKAT”) respectfully submits this letter motion for an order permitting SKAT to file under seal the contemporaneously filed Declaration of Marc A. Weinstein in Support of SKAT’s Motion for Partial Summary Judgment (the “Declaration”), pursuant to Federal Rule of Civil Procedure 5.2, Local Civil Rule 5.2, and this Court’s Individual Rules.¹

Exhibits 127 and 128 to the Declaration are documents produced in this litigation by non-party Skandinaviska Enskilda Banken AB (Denmark) (“SEB”) that SEB designated as “Confidential” pursuant to the Revised Amended Stipulated Protective Order Governing Confidentiality of Discovery Materials (No. 18-md-2865, ECF No. 489). Under paragraph 15 of the Stipulated Protective Order, SKAT is thus required to file these discovery materials under seal absent SEB’s agreement to withdraw its confidentiality designations.

On May 19, 2022, SKAT requested that SEB rescind its confidentiality designations for five Exhibits attached to the Declaration. Following a meet and confer on June 3 and subsequent email correspondence, SEB agreed to de-designate three Exhibits, but requested the redaction of information from Exhibits 127 and 128. Accordingly, and at the request of SEB, SKAT seeks to seal the Declaration. Under the Court’s Individual Rules of Practice, “[w]hen a party seeks leave to file sealed or redacted materials on the ground an opposing party or third party has requested it, that party shall notify the opposing party or third party that it must file, within three days, a

1. This letter motion relates to case nos. 18-cv-04051; 18-cv-09840; 18-cv-09841; 18-cv-10098; 19-cv-01812; 19-cv-01866; 19-cv-01898.

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letter explaining the need to seal or redact the materials.” On June 13, 2022, SKAT informed SEB of its obligation to file an explanatory letter within three days of this filing.

SKAT therefore respectfully requests that the Court grant SKAT leave to file its Declaration under seal.

Respectfully submitted,

/s/ Marc A. Weinstein
Marc A. Weinstein

Cc: All counsel of record via ECF

Granted
SO ORDERED
LEWIS A. KAPLAN
LEWIS A. KAPLAN, USDJ
6/27/22